

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JERRELL WRIGHT,

Petitioner,

v.

9:17-CV-737

1:14-CR-281

UNITED STATES OF AMERICA,

Respondent.

APPEARANCES

OF COUNSEL

JERRELL WRIGHT

19485-052

Fort Dix Federal Correctional
Institution

P.O. Box 2000

Joint Base MDL, New Jersey 08640

Petitioner *pro se*

**OFFICE OF THE UNITED
STATES ATTORNEY**

James T. Foley U.S. Courthouse

445 Broadway, Room 218

Albany, New York 12207-2924

Attorneys for Respondent

DANIEL HANLON, AUSA

SCULLIN, Senior Judge

ORDER

In a Memorandum-Decision and Order dated July 21, 2017, the Court, among other things, ordered Petitioner to "notify this Court in writing within **thirty (30) days** of the filing date of this Memorandum-Decision and Order whether he w[ould] voluntarily withdraw his § 2241 petition or whether he consent[ed] to the Court converting his § 2241 petition in its current form to a § 2255 motion." *See* Dkt. No. 9 at 6. In compliance with the Court's Order, Petitioner filed a letter, in which

he notified the Court that he would voluntarily withdraw his § 2241 motion. *See* Dkt. No. 10 at 1. In light of Petitioner's letter, the Court hereby

ORDERS that Petitioner's request to withdraw his § 2241 motion voluntarily, *see* Dkt. No. 10, is **GRANTED**; and the Court further

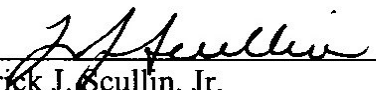
ORDERS that Petitioner's § 2241 motion, which the Clerk of the Court filed as a conditional § 2255 motion in the underlying criminal action, *see United States v. Wright*, 1:14-CR-281 (FJS), Dkt. No. 16, is **DISMISSED** because, as the Court noted in its July 21, 2017 Memorandum-Decision and Order, the Court could "not permanently convert Petitioner's filing into a first § 2255 motion without notifying him of its intent to do so and giving him an opportunity to withdraw the petition, consent to its conversion to a § 2255 motion in its current form, or amend it so that it contains all of the § 2255 claims he believes he has." *See* Dkt. No. 9 at 5-6 (citing *Castro v. United States*, 540 U.S. 375, 383 (2003)); and the Court further

ORDERS that the Clerk of the Court shall file this Order in both *Wright v. United States*, 9:17-CV-737, and the underlying criminal action, *United States v. Wright*, 1:14-CR-281; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: August 29, 2017
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge